

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEREK SINCERE BLACK WOLF CRYER

Plaintiff,

V.

KATHLEEN DENNEHY, MICHAEL THOMPSON,
CAROL MICI, GREG McCANN, TINA RANNO,
MAE ROBINSON, GREG POLADIAN,
TOM LAVELLE, WILLIAM TAYLOR

Defendants,

FILED
IN CLERKS OFFICE

2006 JUN 29 P 2:50

CIVIL ACTION

NO. 1:05-cv-11289

U.S. DISTRICT COURT
DISTRICT OF MASS.

MOTION FOR LEAVE OF COURT TO SERVE
2ND SUPPLEMENTAL COMPLAINT ON DEFENDANTS ATTORNEY

Now comes the Plaintiff to request for leave of court to serve upon Defendants Attorney a 2nd Supplemental Complaint pertaining to transactions happening after the Original and 1st Supplemental Complaint.

Respectfully submitted,

Derek Sincere Black Wolf Cryer, Pro se
Derek Sincere Black Wolf Cryer, Pro se
MCI Shirley Medium
P.O. Box 1218 - Harvard Road
Shirley, MA. 01464

DATE: June 26, 2006

CC: McFarland
file/6-26-06

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEREK SINCERE BLACK WOLF CRYER

Plaintiff,

v.

KATHLEEN DENNEHY, MICHAEL THOMPSON,
CAROL MICI, GREG McCANN, TINA RANNO,
MAE ROBINSON, GREG POLADIAN,
TOM LAVELLE, WILLIAM TAYLOR

Defendants,

FILED
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2006 JUN 29 P 2:50

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION

NO. 1:05-cv-11289

2ND SUPPLEMENTAL COMPLAINT

Facts

1). On November 29, 2005 Plaintiff submitted Religious Service Request Forms to Defendant McCann to practice Black Indian Spirituality. (Refer to Exhibit AA-5x). (see also para.#3).

2). On December 26, 2005 Plaintiff wrote Defendant Dennehy requesting to practice Black Indian Spirituality on Thursdays, Fridays, & Saturdays. (Refer Exhibit BB-5x). (see also para.#7).

3). In a letter dated January 6, 2006 Defendant Thompson informed the Plaintiff that Black Indian Spirituality has been denied by the Religious Services Committee as requested in paragraph #1. (Refer Exhibit CC-5x).

4). On December 6, 2005 Defendant Thompson responded to Plaintiff's request to Defendant Dennehy (see Exhibit O-5x Supp. Complaint) stating operational needs for the denial of morning and afternoon reinstatement of Native Indian worship times. (Refer Exhibit DD-5x).

5). On December 6, 2005 Desiree Monaco confirmed Plaintiff's request in the Supplemental Complaint (Exhibit R-5x) for verification for service on Defendants Thompson, McCann, Robinson, and Lavelle. (Refer Exhibit EE-5x).

6). In a letter dated December 29, 2005 Defendant Thompson responded to Plaintiff's grievance #14624 in the supplemental complaint (Exhibit S-5x) providing the addresses of Defendants Dennehy, Mici, and Poladian and stating that he is not obligated to provide addresses of former employees. (Refer to Exhibit FF-5x). (see also Exhibit UU-5x) (see also Supp. Complaint paragraph numbers 80, 81, & 85).

7). In a letter dated December 27, 2005 Defendant McCann informed the Plaintiff that the Commissioner has denied the recognition of "African American Native Religion" and stated that the D.O.C. does not segregate religions based on race. (Refer Exhibit GG-5x) (see also para.#2)

8). On December 28, 2005 the Plaintiff wrote to Defendant Dennehy for reconsideration to practice Black Indian Spirituality. (Refer Exhibit HH-5x). (see also para.#21).

9). On January 5, 2006 Plaintiff wrote to Governor Mitt Romney seeking his intervention to help bring about Black Indian Spirituality as shirley medium. (Refer Exhibit II-5x). (see also para.#14).

10). On January 11, 2006 Kristie Ladouceur the D.O.C. grievance coordinator affirmed Plaintiff's denied grievance appeal #13580 (as stated in Exhibit X-5x) to practice Black Indian Spirituality. (Refer Exhibit JJ-5x).

11). On February 3, 2006 Plaintiff filed grievance #16070 for not being informed of a Spiritual visit from Native Volunteers in which Plaintiff couldn't attend, and requested that future visits by all Native Volunteers be posted a day in advance or announced the day of the visit. (Refer Exhibit KK-5x) (see also para.#20).

12). On February 6, 2006 Plaintiff's grievance #16070 request was denied. (Refer Exhibit KK-5x / Lower section). (see also para.#20).

13). On November 19, 2005 Plaintiff grieved to Defendant Thompson issues of verbal and physical abuse against plaintiff by I.P.S. Officer Keith Nano for filing grievances. (Refer Exhibit LL-5x) (see also para.#16).

14). On February 6, 2006 Kristie Ladouceur responded to Plaintiff's request to Governor Mitt Romney as stated in above paragraph #9. (Refer Exhibit MM-5x).

15). On February 6, 2006 Plaintiff wrote Defendant Dennehy requesting to order Native Spiritual Items from the prior approved list of Native Vendors. (Refer Exhibit NN-5x). (see also para.#21).

16). On February 8, 2006 Defendant Thompson informed Plaintiff that an investigation into the verbal and physical abuse incident (above in para#13) was not substantiated. (Refer Exhibit OO-5x).

17). On February 21, 2006 Kristie Ladouceur affirmed Defendant Thompson's decision to deny grievance appeal #13575 as stated in exhibit Z-5x/para.#88 in the supplemental complaint. (Refer Exhibit PP-5x).

18). On February 23, 2006 Kristie Ladouceur affirmed Defendant Thompson's decision to deny grievance appeal #12737/para.#65 in Supp. Complaint. (Refer to Exhibit QQ-5x).

19). On February 23, 2006 Kristie Ladouceur affirmed Defendant Thompson's decision to deny grievance appeal #12736/para.#23,33,45 in Supp. Complaint. (Refer Exhibit RR-5x).

20). On February 7, 2006 Plaintiff appealed grievance #16070 as stated in paragraph 11 and 12, requesting an explanation as to why staff won't post or announce visits from outside Native Volunteers. (Refer Exhibit SS-5x).

21). On February 23, 2006 Alllison Hallet of the Religious Services Review Committee denied Plaintiff's reconsideration request to practice Black Indian Spirituality (see above para.#8) and also denied Plaintiff's request to order Spiritual Items from prior approved Native Vendors (see above para.#15). (Refer Exhibit TT-5x).

22). On March 10, 2006 Defendant Thompson denied Plaintiff's grievance appeal #14624 (para.#85 Supp. Complaint) requesting addresses of defendants for service.

23). On March 14, 2006 Plaintiff filed grievance #16750 requesting a lighter and Sage to Smudge for Meditation. (Refer Exhibit VV-5x) (see also para.#24).

24). On March 14, 2006 the above grievance #16750 was denied. (Refer Exhibit VV-5x / Lower Section). (see also para.#23).

25). On March 14, 2006 Plaintiff appealed grievance #16750 (above para.#24). (Refer Exhibit WW-5x) (see also para.#26).

26). On April 9, 2006 Defendant Thompson denied grievance appeal #16750. (Refer Exhibit WW-5x / Lower Section). (see also para.#25).

27). On March 31, 2006 Defendant McCann wrote Plaintiff informing Him that approved religious items Must be purchased via Keefe Commisary Company. (Refer Exhibit XX-5x). (see also para.#29).

28). On april 10, 2006 Defendant Thompson wrote Plaintiff in response to grievance #14451 (para.#76 Supp. Complaint) and admitted that derogatory chants were made over the public address system on November 9, 2005. (Refer Exhibit YY-5x). (see also para.#76/Supp. Complaint).

29). On April 12, 2006 Plaintiff filed grievance #17407 for being denied to order Native Headbands from authenticated Native sources as stated in above paragraph #27. (Refer Exhibit ZZ-5x) (see also para.#30).

30). On April 14, 2006 grievance #17407 (above para.#29) was partially approved stating that Plaintiff may order Native Headbands from the institution approved vendor, "Silverhawk". (Refer Exhibit ZZ-5x/Lower Section). (see also para.#35).

31). On April 17, 2006 Plaintiff filed grievance #17489 for undelivered Legal Mail and requested that the institution make policy allowing prisoners to document outgoing Legal mail, and also requested reimbursement for postage. (Refer Exhibit AAA-5x). (see also para.#32).

32). On April 21, 2006 grievance #17489 (above para.#31) was denied. (Refer Exhibit AAA-5x/Lower Section). (see also para.#36).

33). On April 19, 2006 Plaintiff filed grievance #17629 for being denied copies from legal books (Mass. General Laws Annotated). (Refer Exhibit BBB-5x). (see also para.#34).

34). On April 24, 2006 grievance #17629 (above para.#33) was denied. (Refer Exhibit BBB-5x/Lower Section). (see also para.#37).

35). On April 25, 2006 Plaintiff appealed grievance #17407 in paragraph 30 requesting to purchase His Native Headbands from NOC Bay Trading Company. (Refer Exhibit CCC-5x). (see also para.#39).

36). On April 27, 2006 Plaintiff appealed grievance #17489 in above paragraph #32) requesting the implementation of institution policy document outgoing legal mail and requesting reimbursement. (Refer Exhibit DDD-5x). (see also para.#38).

37). On April 28, 2006 Plaintiff appealed grievance #17629 as stated in paragraph #34, requesting to allow copies from legal books. (Refer Exhibit EEE-5x). (see also para.#40).

38). On May 19, 2006 Defendant Thompson denied Plaintiff's appeal grievance #17489 in above paragraph #36. (Refer Exhibit FFF-5x).

39). On May 19, 2006 Defendant Thompson denied Plaintiff's appeal grievance #17407 in above paragraph #35. (Refer Exhibit GGG-5x).

40). On May 26, 2006 Defendant Thompson denied Plaintiff's appeal grievance #17629 in above paragraph #37. (Refer Exhibit HHH-5x).

41). On May 25, 2006 Plaintiff wrote Defendant McCann requesting to make a monitored phone call to Paul Pouliot or Denise Mehigan for Spiritual Council. (Refer Exhibit III-5x). (see also para.#42 and #43).

42). On June 7, 2006 Plaintiff resubmitted His above request in paragraph #41. (Refer Exhibit III-5x/Top of Page). (see also para.#43).

43). On June 12, 2006 Defendant McCann informed Plaintiff that "Paul Pouliot and Denise Mehigan do not want to talk to the Plaintiff". (Refer Exhibit III-5x/Lower Section). (see para.#41 and #42).

44). On June 7, 2006 Plaintiff submitted a 2nd submittal filing grievance #18775 for not being informed of a visit from outside Native Spiritual Volunteers. (Refer Exhibit JJJ-5x). (see also para.#45).

45). On June 16, 2006 grievance #18775 (above para.#44) was denied. (Refer Exhibit JJJ-5x/Lower Section). (see also para.#46)

46). On June 17, 2006 Plaintiff appealed grievance #18775 in above paragraph #45. (Refer Exhibit KKK-5x).

Claims for Relief

47). The Defendants have denied Plaintiff to practice Black Indian Spirituality.

48). The Defendants have denied Plaintiff Phone and Visit access to Native Spiritual Clergy.

49). The Defendants have denied Plaintiff access to the Courts.

50). The Defendants have not curbed the issue of staff harrassment or staff retaliation and abuse.

51). The Defendants have denied the Plaintiff to purchase Authenticated Native Spiritual Regalia.

52). The Defendants have constructed an illegal monopoly.

53). The Defendants admit to racially motivated attacks against Plaintiff.

54). The Defendants have denied Plaintiff to log outgoing Legal Mail.

55). Plaintiff has exhausted His administrative remedies.

Relief Requested

Wherefore, the Plaintiff demands judgement against the Defendants for damages and such other relief as this Court deems just:

A). Issue a declaratory judgement stating that:

1). The actions and non-actions of Defendants have violated the U.S. Constitutional, Federal, and State Laws.

B). Issue a preliminary injunction as stated in Plaintiff's Original and Supplemental Complaint.

C). Award compensatory damages as stated in Plaintiff's Original and Supplemental Complaint.

D). Award punitive damages as stated in Plaintiff's Original Complaint.

E). Grant such other relief as it may appear that Plaintiff is entitled.

Plaintiff demands trial by jury.

Respectfully submitted,

Derek Sincere Black Wolf Cryer, Pro se
Derek Sincere Black Wolf Cryer, Pro se
MCI Shirley Medium
P.O. Box 1218 - Harvard Road
Shirley, MA.01464

DATED: June 26, 2006

CC: file/6-26-06

CERTIFICATE OF SERVICE

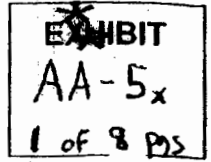
The undersigned hereby certifies that a true copy of the foregoing motion has been served upon the Clerk of the U.S. District Court of Massachusetts by 1ST Class Mail, Postage Prepaid.

DATED: June 26, 2006

Derek Sincere Black Wolf Cryer, Pro se
Derek Sincere Black Wolf Cryer, Pro se
MCI Shirley Medium
P.O. Box 1218 - Harvard Road
Shirley, MA. 01464

CC: file/6-26-06

Ex. AA-5x



TO: Greg McCann, Director of Treatment

FR: Derek Cryer / C-2 / W-55424

RE: Religious Request Forms

DT: November 29, 2005

U.S. DISTRICT COURT
DISTRICT OF MASS.

FILED
CLERKS OFFICE

2005 JUN 29 P 2:50

See January 6
Letter From The

Dear Greg McCann,

Please find attached hereto seven (7) Inmate Religious Services Request Forms to be forwarded to the office of Allison Hallet for the approval of retaining Equal Access to the Native area to practice Black Indian Spirituality.

Thank you for your time on this matter.

Derek Cryer
Derek Cryer
C-2
W-55424

CC: Kathleen Dennehy, Commissioner
file/

Ex. AA-5

Inmate Religious Services Request Form

1. What is the official name of the faith group? Native American Spiritual Awareness Council.
2. Who is the head of the faith group? Volunteers Paul Pouliot/Denise Mehigan
3. What is the address and telephone number of the faith group in Massachusetts or the U.S?
COWASUCK BAND-PENNACOOK/ABENAKI PEOPLE, COWASS North America, Inc.,
P.O. Box 554, Franklin, MA. 02038
(800) 556 - 1301 OR (508) 528-7629
Fax (508) 528-7874
4. Does the faith group have ministers or teachers? Yes X No
5. Are the ministers available to visit incarcerated members of the faith group?
Yes X No
6. Are there religious holy days to be observed? Yes X No
7. If so, what religious practices are necessary for the observance? Smudging, Praying,
Singing, Dancing, Drum Playing etc. Things already established.
8. Are there time and space requirements for the faith? If so, please explain? Yes. 1-1/2 hours
to Pray (worship) in Mornings, Afternoons, and Evenings. Enough
Space to form a circle for practitioners to sit about.
9. Is the religion open to all inmates? Yes X No
10. Please provide reference material, which would be useful for researching this group? Black Indian
A Hidden Heritage, by William Loren Katz (book) AND Black Indians: An
American Story, Narrated by James Earl Jones (VHS).
11. What is your specific request? To be allowed Equal Access to the existing
Native Indian Worship Area in the Programs Building to practice
Black Indian Spirituality ("religion") on Thursdays, Fridays, and
Saturdays.

Name: Derek M. CryerCommitment Number: W-55424

Derek M. Cryer

W-55424

Attachment: G

Page 1 of 2

CC: Native Spiritual Leaders/Advisors
Michael Thompson, Superintendent
file/November 29, 2005

Ex. AA-5x

Inmate Religious Services Request Form

1. What is the official name of the faith group? Native American Spiritual Awareness Council.
2. Who is the head of the faith group? Volunteers Paul Pouliot/Denise Mehigan
3. What is the address and telephone number of the faith group in Massachusetts or the U.S?
COWASUCK BAND-PENNACOOK/ABENAKI PEOPLE, COWASS North America, Inc.,
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11. What is your specific request? To be allowed Equal Access to the existing
Native Indian Worship Area in the Programs Building to practice
Black Indian Spirituality ("religion") on Thursdays, Fridays, and
Saturdays.

Name: Leonard Westmoreland Commitment Number: W-37970

Leonard Westmoreland

W-37970

Attachment: G

Page 1 of 2

CC: Native Spiritual Leaders/Advisors
Michael Thompson, Superintendent
file/November 29, 2005

Ex. AA-5x

Inmate Religious Services Request Form

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2. Who is the head of the faith group? Volunteers Paul Pouliot/Denise Mehigan
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COWASUCK BAND-PENNACOOK/ABENAKI PEOPLE, COWASS North America, Inc.,
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Fax (508) 528-7874
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7. If so, what religious practices are necessary for the observance? Smudging, Praying,
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to Pray (worship) in Mornings, Afternoons, and Evenings. Enough
Space to form a circle for practitioners to sit about.
9. Is the religion open to all inmates? Yes X No
10. Please provide reference material, which would be useful for researching this group? Black Indian
A Hidden Heritage, by William Loren Katz (book) AND Black Indians: An
American Story, Narrated by James Earl Jones (VHS).
11. What is your specific request? To be allowed Equal Access to the existing
Native Indian Worship Area in the Programs Building to practice
Black Indian Spirituality ("religion") on Thursdays, Fridays, and
Saturdays.

Name:

MARK WHITECommitment Number: W69672

Mark White

W-69672

Attachment: G

Page 1 of 2

CC: Native Spiritual Leaders/Advisors
Michael Thompson, Superintendent
file/November 29, 2005

Ex. AA-5x

Inmate Religious Services Request Form

1. What is the official name of the faith group? Native American Spiritual Awareness Council.
2. Who is the head of the faith group? Volunteers Paul Pouliot/Denise Mehigan
3. What is the address and telephone number of the faith group in Massachusetts or the U.S?
COWASUCK BAND-PENNACOOK/ABENAKI PEOPLE, COWASS North America, Inc,
P.O. Box 554, Franklin, MA. 02038
(800) 556 - 1301 OR (508) 528-7629
Fax (508) 528-7874
4. Does the faith group have ministers or teachers? Yes ☒ No ☐
5. Are the ministers available to visit incarcerated members of the faith group?
Yes ☒ No ☐
6. Are there religious holy days to be observed? Yes ☒ No ☐
7. If so, what religious practices are necessary for the observance? Smudging, Praying, Singing, Dancing, Drum Playing etc. Things already established.
8. Are there time and space requirements for the faith? If so, please explain? Yes. 1-1/2 hours to Pray (worship) in Mornings, Afternoons, and Evenings. Enough Space to form a circle for practitioners to sit about.
9. Is the religion open to all inmates? Yes ☒ No ☐
10. Please provide reference material, which would be useful for researching this group? Black Indian - A Hidden Heritage, by William Loren Katz (book) AND Black Indians: An American Story, Narrated by James Earl Jones (VHS).
11. What is your specific request? To be allowed Equal Access to the existing Native Indian Worship Area in the Programs Building to practice Black Indian Spirituality ("religion") on Thursdays, Fridays, and Saturdays.

Name:

Alberto Pena

Commitment Number:

W-82993
W-82993

Attachment: G

Page 1 of 2

CC: Native Spiritual Leaders/Advisors
Michael Thompson, Superintendent
file/November 29, 2005

Kathleen Dennehy, Commissioner
50 Maple Street - Suite 3
Milford, MA. 01757-3698

Ex. BB-5x

" See Response letter
Transmitted 6/20/06 From
Thompson "

EXHIBIT

BB-5x

1 of 1 pgs

December 26, 2005

Dear Ms. Dennehy,

Since July 27, 2005 there have been several Inmate Religious Services Request Forms submitted to Greg McCann, the Director of Treatment for the processing to Allison Hallet. It has been several months since my first request, and I have yet to receive a reply.

Furthermore, it's my understanding that the Religious Services Review Committee is an advisory body empowered only to make recommendations to you as the Commissioner where upon you will have the final recommendation/decision. This issue has been exhausted at the grievance process in which it was denied by the Superintendent, Michael Thompson as He stated that " The Religious Services Review Committee was the proper forum for my request".

Given the information above, I am specifically directing my request to you which is as follows:

***My request is to be allowed Equal Access to the existing Native Indian Worship Area in the Programs Building to practice Black Indian Spirituality on Thursdays, Fridays, and Saturdays.

Please respond favorably to this request in a swift manner. Thank you for your attention on this matter.

Respectfully Submitted,

Derek Sincere Black Wolf Cryer
Derek Sincere Black Wolf Cryer

MCI Shirley Medium

P.O. Box 1218 - Harvard Road

Shirley, MA. 01464

CC: file/12-26-05



Mitt Romney
Governor
Kerry Healey
Lieutenant Governor
Edward A. Flynn
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety
Department of Correction
MCI-Shirley

P. O. Box 1218
Shirley, Massachusetts 01464
(978) 425-4341, Fax (978) 514-6601

www.mass.gov/doc

EXHIBIT
CC-5x
1 of 1 pgs

Kathleen M. Dennehy
Commissioner
James R. Bender
Deputy Commissioner
Michael A. Thompson
Superintendent

January 6, 2006

Derek Cryer W-55424
MCI-Shirley
P.O. Box 1218
Shirley, MA 01464

Recd. on January 10, 2006
At 4:02pm
Derek Cryer

Dear Mr. Cryer:

Your Inmate Religious Services Request Forms to Commissioner Kathleen Dennehy dated November 29, 2005 requesting the recognition of an African American Native American Religion have been referred to me to respond.

Be advised that this request has been reviewed and denied by the Religious Services Review Committee. As noted to you repeatedly, the Department of Correction does not segregate religions based on race.

I trust this response addresses your concerns.

Sincerely,

Michael Thompson
Michael A. Thompson
Superintendent

cc: Kathleen M. Dennehy, Commissioner
Scott E. Anderson, Deputy Superintendent
Greg McCann, Director of Treatment
File

"Accredited by the Commission on Accreditation for Corrections"

DD-5x

1 of 1 pgs

**Mitt Romney**

Governor

Kerry Healey

Lieutenant Governor

Edward A. Flynn

Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

*Department of Correction***MCI-Shirley****P. O. Box 1218****Shirley, Massachusetts 01464****(978) 425-4341, Fax (978) 514-6601**www.mass.gov/doc**Kathleen M. Dennehy**

Commissioner

James R. Bender

Deputy Commissioner

Michael A. Thompson

Superintendent

December 6, 2005

Derek Cryer, W55424

MCI Shirley

P.O. Box 1218

Shirley, MA 01464

Response to letter in
Paragraph # 75 in Supplemental
Complaint. (See Ex. D-5x)

Deal

Dear Mr. Cryer:

Your letter to Commissioner Kathleen Dennehy, dated November 8, 2005 regarding your religious worship has been referred to me to respond.

Due to the operational needs of the facility we are forced to change activity schedules on occasion. However, there still remains adequate time during which the Native American Circle room is available.

I believe this answers your concerns in this matter.

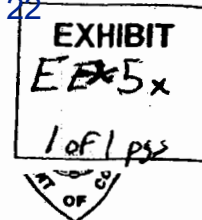
Sincerely,

Michael A. Thompson

Superintendent

MAT/dlm

CC: Kathleen M. Dennehy, Commissioner
Scott Anderson, Deputy Superintendent, Classification/Treatment
Greg McCann, Director of Treatment
Inmate File
File "Accredited by the Commission on Accreditation for Corrections"



The Commonwealth of Massachusetts
Executive Office of Public Safety
Department of Correction
MCI-Shirley

Mitt Romney
Governor
Kerry Healey
Lieutenant Governor
Edward A. Flynn
Secretary

P. O. Box 1218
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Kathleen M. Dennehy
Commissioner
James R. Bender
Deputy Commissioner
Michael A. Thompson
Superintendent

December 6, 2005

*Response to letter in Paragraph #79
in Supplemental Complaint. (See Ex. R-5x)*

Derek Cryer, W55424
MCI Shirley, Unit C-2
P.O. Box 1218
Shirley, MA 01464

Dear Mr. Cryer:

I am in receipt of your letter dated November 16, 2005 asking if Superintendent Michael Thompson, Director of Treatment, Greg McCann, Lt. Mary Ellen Robinson and Recreation Officer Thomas Lavelle received A Summons and Complaint from you. Yes, they did receive a Summons and Complaint from you.

I trust this answers your concerns in this matter.

Sincerely,

Desiree Monaco
Administrative Assistant

CC: File



Mitt Romney
Governor
Kerry Healey
Lieutenant Governor
Edward A. Flynn
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

Department of Correction

MCI-Shirley

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Kathleen M. Dennehy
Commissioner
James R. Bender
Deputy Commissioner
Michael A. Thompson
Superintendent

December 29, 2005

Derek Cryer, W55424
MCI Shirley
P.O. Box 1218
Shirley, MA 01464

Recd. on January 10, 2006
At 4:02pm
Derek Cryer
P. 10.05
(See Exhibit 5-5)

Dear Mr. Cryer:

This is to acknowledge that your appeal of the Institution Grievance Coordinator's decision on Grievance #14624 is still pending with me.

The following are mailing addresses for the individuals listed in your grievance who are current Department of Correction employees:

Kathleen M. Dennehy, Commissioner
Central Headquarters
50 Maple Street, Suite 3
Milford, MA 01757-3698

Carol Mici, Director
Classification Division
P.O. Box 188
Norfolk, MA 02056

Sgt. Greg Poladian
Northeastern Correctional Center
P.O. Box 1069
West Concord, MA 01742

I am of the opinion that we are not obligated to provide you the addresses of former employees. However, I am awaiting further advice on that question before responding to your grievance appeal.

Thank you for your patience.

Sincerely,

Michael Thompson
Michael A. Thompson
Superintendent

MAT/jg

cc: file

"Accredited by the Commission on Accreditation for Corrections"



Mitt Romney

Governor

Kerry Healey

Lieutenant Governor

Edward A. Flynn

Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

Department of Correction

MCI-Shirley

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Kathleen Dennehy

Commissioner

James Bender

Deputy Commissioner

Michael A. Thompson

Superintendent

December 27, 2005

Derek Cryer W-55424

MCI-Shirley / C-2

P.O. Box 1218

Shirley, MA 01464

Dear Mr. Cryer:

Please be advised that Commissioner Dennehy has denied your request for recognition of African American Native Religion.

The Department of Correction does not segregate religions based on race.

I trust this response addresses your concerns.

Sincerely,

Greg McCann
Director of Treatment

GM/emc

cc: Michael A. Thompson Superintendent
file

EX-111-5x

Kathleen Dennehy, Commissioner
50 Maple Street - Suite 3
Milford, MA. 01757-3698

December 28, 2005

Dear Ms. Dennehy,

Today I received a December 27, 2005 dated letter from Greg McCann informing me that my request to practice Black Indian Spirituality has been denied by you. The reason given is that "The DOC does not segregate religions based on race". (letter is attached hereto).

This letter is sent for immediate RECONSIDERATION to practice my way of life for the following reasons.....

As stated in every singular request, Black Indian Spirituality is open for ALL Prisoners and Staff REGARDLESS OF AN INDIVIDUAL'S RACE. Furthermore, I must say that I am appalled at the suggestion within the attached letter that my request is to Segregate religions BASED ON RACE; and am gravely disturbed that this administration and the Department has underhandly denied my request for "Religious" practice for the VERY reason of which I have been accused of in the letter attached which is based on RACE. If I were White, or maybe even if I "looked Indian", I'd question the denial of my request.

Black Indian Spirituality is Native American Spirituality, however the main distinction is the addition of the "African" side of the Spirituality which is the Culture, and History which must be recognized. As there are many different Denominations in Christianity (Catholics, Protestants, Baptist, Episcopolians, Latter Day Saints, Mormons, Jehovah Witness, Pentacostal etc.), each of which have similarities but whose beliefs differ, Native Spirituality in the same way differs from Tribe to Tribe, or individual to individual as there are over 562 Native Tribes here within the U.S..

As an example one fact can not be disputed; here at Shirley Medium there are two Primary Christian Religions....The Catholics and Protestants....The vast majority of the Catholics are White...The Vast majority of the Protestants are Black.....However, it is that persons CHOICE to attend, as both religions are open to all prisoners and Staff as would be Black Indian Spirituality. But neither of the religions are barred from the institution by the department but rather encouraged, Playing the Race Card to deny my request is WRONG.

In closing, Ms. Dennehy, this injustice MUST NOT STAND for it is a direct assault against myself and thousands of, if not millions Black Indians and all people who practice the Spirituality simply because the word BLACK was used in the title of the "Religion" as to the word NATIVE AMERICAN. Native Americans & Black Indians are the same people, some with different customs, and for these reasons I request your Reconsideration for approval to practice Black Indian Spirituality on Thursdays, Fridays, and Saturdays as Every Nationality will be welcomed within the Council.

(page 2 of 2)

If you are, or if you were a religious or spiritual person, how would you feel if it was taken away from you and you were forced to practice in a way that didn't serve your needs?

This is about Growth and rehabilitation for prisoners and or staff, and has nothing to do with so-called Race.

Respectfully Submitted,

Derek Sincere Black Wolf Cryer
Derek Sincere Black Wolf Cryer
MCI Shirley Medium
P.O. Box 1218 - Harvard Road
Shirley, MA. 01464

CC: Mitt Romney, Governor
Native American Rights Association
Gary Avey, Native Peoples
BlackIndians & Intertribal Native American Association
BlackIndian Chief Eaglefeather
Long Standing Bear Chief, The Blackfoot Nation
Commission on Indian Affairs
Massachusetts Commission Against Discrimination
American Civil Liberties Union
NAACP
Native American Pride Committee
file/12-28-05

Mitt Romney, Governor
Massachusetts State House
Room #360
Boston, MA. 02133-1054

EX-11-5x

EX-11-5x

1 of 5 pgs

January 5, 2005

Dear Governor Romney,

Greetings. Please find attached hereto a carbon copy of a reconsideration letter requested by me to the Commissioner of the Department of Corrections Kathleen Dennehy. This request is for the approval/recognition to practice Black Indian Spirituality.

As stated on the third page of the enclosed copy, I have been denied my request to practice and for Recognition of Black Indian Native Spirituality and Race was used for this denial.

Mr. Romney, the reason why the forefathers who built this land into the United States of America came here, was to escape Religious Persecution, and to gain Freedom of Religion. This was the basis of the foundation of the United States. Black Indian Spirituality is the exact same thing as Native American Spirituality, with the addition of Black Culture and Black History. Because the title (Black Indian Spirituality) has the word "Black" in it rather than the more familiar word "Native American" shouldn't be basis to deny me my Spirituality which is, as a Black Indian, my Culture and my History, as well as Heritage.

There is already an established Native American Area here at this location and I simply requested equal access to this area to practice Black Indian Spirituality on Thursdays, Fridays, and Saturdays. I am enclosing one (1) of two (2) of the original request (a copy) for your viewing to show you that all individuals of every Nationality is welcome to participate.

For the above reasons, I need your support in the Recognition and the implementation of Black Indian Spirituality as I have literally exhausted all avenues on the institutional level to no avail. Please, I'm requesting that you yourself personally intervene and to bring about Black Indian Spirituality here within this facility.

I leave you in Harmony, Love, Balance and Respect. Please respond swiftly.

Sincerely yours,

Derek Sincere Black Wolf Cryer
Derek Sincere Black Wolf Cryer
MCI Shirley Medium
P.O. Box 1218 - Harvard Road
Shirley, MA. 01464

CC: Spirit Leaders
File/1-5-06

Kathleen Dennehy, Commissioner
50 Maple Street - Suite 3
Milford, MA. 01757-3698

Ex. II-5x

December 28, 2005

Dear Ms. Dennehy,

Today I received a December 27, 2005 dated letter from Greg McCann informing me that my request to practice Black Indian Spirituality has been denied by you. The reason given is that "The DOC does not segregate religions based on race". (letter is attached hereto).

This letter is sent for immediate RECONSIDERATION to practice my way of life for the following reasons.....

As stated in every singular request, Black Indian Spirituality is open for ALL Prisoners and Staff REGARDLESS OF AN INDIVIDUAL'S RACE. Furthermore, I must say that I am appalled at the suggestion within the attached letter that my request is to Segregate religions BASED ON RACE; and am gravely disturbed that this administration and the Department has underhandly denied my request for "Religious" practice for the VERY reason of which I have been accused of in the letter attached which is based on RACE. If I were White, or maybe even if I "looked Indian", I'd question the denial of my request.

Black Indian Spirituality is Native American Spirituality, however the main distinction is the addition of the "African" side of the Spirituality which is the Culture, and History which must be recognized. As there are many different Denominations in Christianity (Catholics, Protestants, Baptist, Episcopolians, Latter Day Saints, Mormons, Jehovah Witness, Pentacostal etc.), each of which have similarities but whose beliefs differ, Native Spirituality in the same way differs from Tribe to Tribe, or individual to individual as there are over 562 Native Tribes here within the U.S..

As an example one fact can not be disputed; here at Shirley Medium there are two Primary Christain Religions....The Catholics and Protestants....The vast majority of the Catholics are White...The Vast majority of the protestants are Black.....However, its that persons choose to attend, as both religions are open to all prisoners and Staff as would be Black Indian Spirituality. But neither of the religions are barred from the institution by the department but rather encouraged. Playing the Race Card to deny my request is WRONG.

In closing, Ms. Dennehy, this injustice MUST NOT STAND for it is a direct assault against myself and thousands of, if not millions Black Indians and all people who practice the Spirituality simply because the word BLACK was used in the title of the "Religion" as to the word NATIVE AMERICAN. Native Americans & Black Indians are the same people, some with different customs, and for these reasons I request your Reconsideration for approval to practice Black Indian Spirituality on Thursdays, Fridays, and Saturdays as Every Nationality will be welcomed within the Council.



Mitt Romney
Governor
Kerry Healey
Lieutenant Governor
Edward A. Flynn
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

Department of Correction

MCI-Shirley

P. O. Box 1218

Shirley, Massachusetts 01464

(978) 425-4341, Fax (978) 514-6601

www.mass.gov/doc



Kathleen Dennehy
Commissioner
James Bender
Deputy Commissioner
Michael A. Thompson
Superintendent

December 27, 2005

Derek Cryer W-55424
MCI-Shirley / C-2
P.O. Box 1218
Shirley, MA 01464

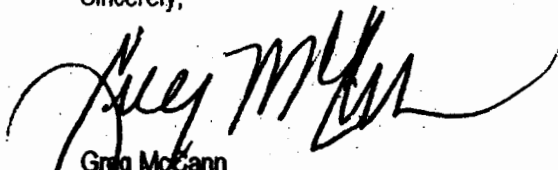
Dear Mr. Cryer:

Please be advised that Commissioner Dennehy has denied your request for recognition of African American Native Religion.

The Department of Correction does not segregate religions based on race.

I trust this response addresses your concerns.

Sincerely,



Greg McCann
Director of Treatment

GM/emic

cc: Michael A. Thompson Superintendent
file

JJ-5x

1 of 10

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE APPEAL FORM

FORWARD TO SUPERINTENDENT

1-11-06

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
Number W55424 Housing C-2 Appeal Date 21-OCT-2005 Date Of Grievance 09-SEP-2005
Appeal Received Date 21-OCT-2005

Appeal I'm being denied equal opportunity to practice Black Indian Spirituality by having a request (to McCann) denied to post a schedule allowing Black Indian Spirituality on Thursdays Fridays and Saturdays.

Remedy Requested A posting on the Native Indian door stating the practice of Black Indian spirituality is allowed on Thursdays, Fridays and Saturdays.

Staff Recipient Ruel Michael R CO II

Signature

DECISION BY SUPERINTENDENT

Appeal Received Date 21-OCT-2005 Decision Date 23-NOV-2005 Decision DENIED

Decision By Thompson Michael SUPERINTENDENT

Reasons There is one recognized Native American spiritual group. A schedule of room availability for that group is posted. It is my understanding that you have submitted a Religious Services Request form to the Religious Services Review Committee concerning recognition of Black Indian Spirituality. That is the appropriate forum for your request.

Signature

1/11/05 Please be advised that I have reviewed grievance/grievance appeal #13580 and I support the Superintendent's decision to deny your grievance, as I concur with the institutional summary of findings.

Kristie Ladouceur
Kristie Ladouceur
Department Grievance Coordinator

Date

INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
Number W55424 Appeal Received Date 21-OCT-2005
Staff Recipient Ruel Michael R CO II
Superintendent's Signature

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name CRYER DEREK Grievance# 16070 Institution MCI SHIRLEY (MEDIUM)

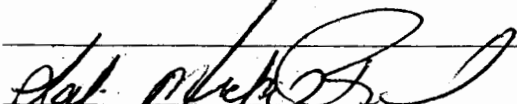
Commit No. W55424 Housing C-2 Date Of Incident 20060117 Date Of Grievance 20060203

Complaint Native Spirit Leaders Medicine Story & Illika came in on January 17, 2006. I couldn't attend this because the time wasn't posted anywhere in the institution nor was I informed in any other way. *PS on 01-24-06 I submitted this same grievance which was returned to me, on this day, with a post it informing me that "I must use the correct grievance form". This is a resubmitted grievance. ("See Returned Grievance Attached")

Remedy Requested That any and all outside visits from Native "Volunteers" be posted in the programs building and or the housing units a day in advance, and an announcement be made by the block officer's the day in advance, and announcement be made by the block officer's the day of the visit.

Staff Recipient Ruel Michael R CO II

Staff Involved _____

Signature 

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20060206 Decision Date 20060206Signature Ruel Michael R CO IIFinal Decision DENIEDDecision DeniedSignature Date 2/26/06

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Commit No. W55424 Grievance# 16070 Date Received 20060206

Signature Ruel Michael R CO II

Ex. LL-5x
1 of 2 pgs

Interviewed on January 21, 2006
by Mike Ruel. (See calendar)*

Deck Coyer

Page 19

1-21-06

130

EXHIBIT
LL-5x

1 of 2 pgs

TO: Michael Thompson, Superintendent

FR: Deck Since Black Wolf Coyer

RE: Verbal Abuse and Intimidation / Contin. of Physical Abuse

DT: November 19, 2005

Dear Mr. Thompson,

I was recently called to the Ops office to speak to Keith Nano CO II about Grievance number 14624. When I arrived Mr. Nano immediately began his verbal attack against me using intimidation tactics. He said "Coyer I'm just about fuggin sick and tired of your fuggin grievance. Now what in the hell would the grievance procedure have to do with an issue between you and the Marshala office." I took a slight step back because His voice was threatening and said "This institution is the one supplying me with the addresses". He said "why don't you get the information from your attorney", I said, "I am my attorney". He got very upset and came toward me saying "take this fuggin grievance and get out out here" as he physically assaulted me by trying to shove the grievance into my body, but I pulled away saying "that I'm not taking that". He continued by saying that if "I file another grievance that he will recommend the suspension of my grievance", I said "You have a right to" as he continued by saying "You'll receive this grievance in the mail now get the hell out of here". I left



The Commonwealth of Massachusetts
Executive Office of Public Safety
Department of Correction
50 Maple Street, Suite 3



Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Edward A. Flynn
Secretary

Milford, Massachusetts 01757-3698
(508) 422-3300
www.mass.gov/doc

Kathleen M. Dennehy
Commissioner

James R. Bender
Deputy Commissioner

February 6, 2006

Derek Cryer, W55424
MCI-Shirley
P.O. Box 1218
Shirley, MA 01464

Dear Mr. Cryer:

Your correspondence dated January 5, 2006 to Governor Romney has been referred to my attention for appropriate response through Commissioner Dennehy.

Please be advised that the religious concerns outlined in your correspondence have been previously addressed through grievance #13580. Specifically, you were advised that your concerns must be addressed through the Religious Services Review Committee. However, on December 27, 2005, Greg McCann, Director of Treatment advised you that your religious request was denied by Commissioner Dennehy. Therefore, an appellate decision has been made regarding your request and further consideration regarding this matter is not warranted.

I hope that I have adequately addressed your immediate concerns.

Sincerely,

Kristie Ladouceur
Kristie Ladouceur
Department Grievance Coordinator

cc. Mitt Romney, Governor
Kathleen M. Dennehy, Commissioner
Michael Thompson, Superintendent
Michael Ruel, IGC
File

KATHLEEN M. DENNEHY, COMMISSIONER
EXECUTIVE OFFICE OF PUBLIC SAFETY
DEPARTMENT OF CORRECTION
50 MAPLE STREET, SUITE 3
MILFORD, MA. 01757-3698

Ex. NN-5x

NN-5x

1 of 3 pg.

February 6, 2007

Dear Ms. Dennehy,

Since your memorandum of February 2, 2005 (attached) has been in effect, it has placed many prisoners at a disadvantage regarding the Native American "Religious" Items.

Although it was "your purpose to ensure that all approved religious items are available to us (inmates) in a timely manner", contracting with Keefe is in direct violation with "The Indian Arts and Crafts Act of 1990". (attached is a copy of that Act).

For this purpose, I am requesting that I be allowed to order approved Items already established by the D.O.C.'s Religious Department from the prior list of approved Native American Venders which were as follows:

- 1). The Wandering Bull, Inc.
- 2). Silver Hawk
- 3). Whispering Bear
- 4). Native Essence Craft & Supplies
- 5). The Traditional Native American Tobacco Seed Bank And Educational Program

Thank you very much for your time and consideration, as without my Spirit Items, I am unable to properly Pray and practice my Spirituality.

Derek Sincere Black Wolf Cryer
DEREK SINCERE BLACK WOLF CRYER
MCI SHIRLEY MEDIUM
P.O. BOX 1218 - HARVARD ROAD
SHIRLEY, MA. 01464

CC: File/2-6-06



Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Edward A. Flynn
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety
Department of Correction

50 Maple Street, Suite 3
Milford, Massachusetts 01757-3698
(508) 422-3300
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Kathleen M. Dennehy
Commissioner

James R. Bender
Deputy Commissioner

TO: All Inmates

FR: Kathleen M. Dennehy *K. Dennehy* Commissioner

DA: February 2, 2005

RE: Religious Vendor

In an effort to ensure that all approved religious items are available to you in a timely manner, the Department is now contracting with one vendor, Keefe Group. With the exception of two Native American religious items, effective February 14, 2005, all orders for in-cell and on-person religious items will be placed with Keefe Group. As has been the practice, you should continue to contact the Director of Treatment to place an order for the in-cell and on-person religious property that has been authorized for your religious practice. Catalogs for these items are available in the inmate libraries and through the Directors of Treatment and Chaplains.

There is a separate catalog for items that are approved for corporate worship only. The Director of Treatment will have this catalog, as he/she is the staff member who is authorized to place corporate worship item orders.

Keefe Group will be charging a \$4.00 shipping cost for each shipment, regardless of the number of items or weight. As a result of this shipping charge, each facility has been authorized to process multiple inmate orders with the vendor at one time. The vendor will then ship the multiple orders together in one package resulting in one shipping charge of \$4.00 to be paid for out of the Inmate Benefit Fund (each order will be bagged separately with your name and institutional number on it, as is done with canteen orders). Those who choose to pay the \$4.00 shipping fee, will have their order(s) processed independently of the bulk order.

cc: James R. Bender, Deputy Commissioner
Timothy Hall, Assistant Deputy Commissioner
John Marshall, Assistant Deputy Commissioner
Veronica M. Madden, Associate Commissioner, Reentry and Reintegration
Ronald T. Duval, Associate Commissioner, Administration
Superintendents
Directors of Treatment
File

The Indian Arts and Crafts Act of 1990 is a truth-in-advertising law. It is illegal to offer for sale, or sell any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian tribe.



Above, Pin
Myra Tucson
Zuni Pueblo

All photographs in this brochure feature authentic Indian handcrafted products.

The Indian Arts and Crafts Act of 1990 (P.L. 101-644) prohibits misrepresentation in marketing of Indian arts and crafts products within the United States. The Indian Arts and Crafts Act of 1990 is a truth-in-advertising law. It is illegal to offer or display for sale, or sell any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian tribe.

Under the Act—

Indian is defined as a member of a federally or officially State recognized tribe, or certified Indian artisan.

Certified Indian artisan means an individual who is certified by the governing body of an Indian tribe as a non-member Indian artisan.

Indian product means any art or craft product made by an Indian; **Indian labor** makes the Indian art or craft object an Indian product.

1 Indian tribe means—

Any federally-recognized Indian tribe, band, nation, Alaska Native village, or organized group or community or

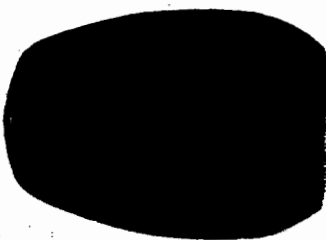
2 Any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a State commission or similar organization legislatively vested with State tribal recognition authority.

Civil and Criminal Penalties

For a first time violation of the Act, an individual can face civil penalties or criminal penalties up to a \$250,000 fine or a 5-year prison term, or both. If a business violates the Act, it can face civil penalties or can be prosecuted and fined up to \$1,000,000.

Scope of the Indian Arts and Crafts Act of 1990

The law covers all Indian and Indian-style traditional and contemporary arts and crafts produced after 1935. The Act broadly applies to the marketing of arts and crafts by any person in the United States. The kinds of products that are copied vary from region to region. Some traditional items made by non-Indians include jewelry, pottery, baskets, carved stone fetishes, woven rugs, kachina dolls, and clothing in the style of Indian products.



Above, Mask
Murray Clayton
Tlingit

All products must be marketed truthfully regarding the Indian heritage and tribal affiliation of the producers so as not to mislead the consumer. It is illegal to market an art or craft item using the name of a tribe if a member, or certified Indian artisan, of that tribe did not actually create the art or craft item.

For example, products sold using a sign claiming "Indian Jewelry - Direct from the Reservation to You" would be a violation of the Indian Arts and Crafts Act if the jewelry was produced by someone other than a member, or certified Indian artisan, of an Indian tribe. Products advertised as "Hopi Jewelry" would be in violation of the Act if they were produced by someone who is not a member of the Hopi Tribe.

How to File a Complaint with the Indian Arts and Crafts Board

The Indian Arts and Crafts Board, a separate agency within the U.S. Department of the Interior, screens complaints for further investigation and can request prosecution. Anyone can file a complaint with the Indian Arts and Crafts Board, but it must be in writing.

- Be sure to include the following facts in your letter:
- **Who was selling the item** – include the name, address, and telephone number of the seller;
 - **A description** of the art or craftwork;
 - **How the item was offered for sale** – include as much detail as possible; and
 - **What representations were made about the item** – include claims that it was made by a member of a specific tribe or statements about its authenticity.

Baskets left to right
Eve Wolfe, Helen Smith
Cherokee;
Marion John
Coushatta

Please include copies of any other documentation, such as advertisements, catalogs, business cards, photos, or brochures. Originals will not be returned. Please do not send arts and crafts products.

Publisher of the Indian Arts & Crafts Board
U.S. Department of the Interior

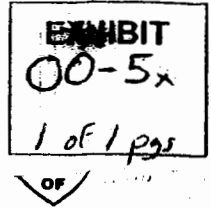




Mitt Romney
Governor
Kerry Healey
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Kathleen M. Dennehy
Commissioner
James R. Bender
Deputy Commissioner
Michael A. Thompson
Superintendent

February 8, 2006

Mr. Derek Cryer
MCI Shirley
P.O. Box 1218
Shirley, MA 01464

Dear Inmate Cryer:

Please be advised that the investigation into allegations you made against Sgt. Keith Nano regarding verbal and physical abuse has been completed.

The investigation found the allegation to be not sustained.

Sincerely,

Michael A. Thompson
Superintendent

MAT/lms

cc: file

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE APPEAL FORM

FORWARD TO SUPERINTENDENT

PP 5 x

1 of 1 pgs

Rec'd February
22, 2006 at 4:40 pm
From Legal Shop.

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Number W55424 Housing C-2 Appeal Date 21-OCT-2005 Date Of Grievance 13-SEP-2005

Appeal Received Date 21-OCT-2005

Appeal On February 28, 2005 Greg McCann Closed the Native Circle in the Mornings And Afternoons to Spite me, However Approved An Updated Posted Schedule From the European Indian Practitioners to Practice on Saturdays At 1:00pm. This posting came out on May 13, 2005 And Continues to be Active.

Remedy Requested Reinstatement Native "Religious" Practice in Mornings And Afternoons.

Staff Recipient Ruel Michael R CO II

Signature

DECISION BY SUPERINTENDENT

Appeal Received Date 21-OCT-2005 Decision Date 23-NOV-2005 Decision DENIED

Decision By Thompson Michael SUPERINTENDENT

Reasons We reserve the right to change activity schedules to meet operational needs. There remains adequate time during which the Native American Circle room is available.

Signature

2/21/06 - Please be advised that I have reviewed grievance/grievance appeal #13575. I support the Superintendent's decision to deny your grievance, as I concur with the institutional summary of findings. The Superintendent may suspend any/all activities due to the operational/security needs of the institution. Furthermore, there is adequate time allowed to practice your religion as this office has been informed the Native American Circle room is available 7 days a week.

Kristie Ladouceur (AMA)

Kristie Ladouceur-AMA
Department Grievance Coordinator

Date

INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Number W55424 Appeal Received Date 21-OCT-2005

Staff Recipient Ruel Michael R CO II

Superintendent's Signature

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

Name	CRYER DEREK		Institution	MCI SHIRLEY (MEDIUM)	
Number	W55424	Housing	C-2	Appeal Date	31-AUG-2005
				Date Of Grievance	29-JUL-2005
				Appeal Received Date	31-AUG-2005
Appeal	<p>"My personal and religious mail has been contrabanded by the mail officer and Deputy Gelb citing 103 CMR 481 "publication". (See attached 7-14-2005 letter marked "A"). It is said by Deputy Gelb that the "limiting of the number of internet material went into effect on June 1, 2004", (over one year ago). However, the "publication" definition cited in the deputy's reply letter doesn't exist in 103 CMR 481's policy. (see attached, and note that 103 CMR 481 - page 225 "Publication" mentions nothing about internet extranced material).</p> <p>Also, on Tuesday July 19, 2005 Dan Morse, the librarian checked to see when or what was the latest revision regarding 103 CMR 481, and informed me that the policy attached was the latest and most updated revision of 103 CMR 481.</p> <p>Finally, in his July 21, 2005 reply letter (attached and marked "B") the deputy states the 103 CMR 481 is up for review in the near future and once we have recieved in the law library will be provided with a copy." the "near future" of the review of this CMR has absolutely nothing to do with the "present" issue at hand or the CMR which is actually in place (see attached policy). Furthermore, the deputy in "Attachment A" cites 103 CMR 481 and provides the actual definition of "publication" which he claims went into effect on June 1, 2004 (see attachment "B"), which says to me that the "policy" has been available, and leads me to question why this June 1, 2004 so-called policy revision (which is available) has not been revised in the present policy for one year and twenty-six days.</p> <p>The CMR being "up for review in the near future" has nothing to do with the CMR currently in place (attached) which does not deem my mail contraband."</p>				
Remedy Requested	<p>"The immediate delivery of my "contrabanded" mail which contains a personal letter and Native American Religious legally protected literature, or a copy of the entire June 1, 2004 revised policy forthwith."</p>				
Staff Recipient	Corbett Glenn A. CAPTAIN				
Signature					

DECISION BY SUPERINTENDENT

Appeal Received Date 31-AUG-2005 Decision Date 17-OCT-2005 Decision DENIED

Decision By Thompson Michael SUPERINTENDENT

Reasons The promulgated regulation, 103 CMR 481.06, remains in effect as you suggest. That regulation defines a publication as: "any book, booklet, pamphlet, magazine, periodical, newsletter, newspaper, or similar document, including stationery and greeting cards, published by any individual, organization, company, or corporation which is distributed or made available through any means or media for a commercial purpose. This definition includes any portion extracted, photocopied, or clipped from such items". A restrictive interpretation of this definition, read in conjunction with 103 CMR 403.10(7)(d) (the so-called "publisher only" rule), prohibits an inmate from receiving any photocopied or clipped materials, including internet-generated material. However, the Department has determined that inmates should be allowed a limited reasonable amount of such material. Accordingly, the Department will seek to amend the existing definition in the regulation so that the last sentence reads:

" This definition includes any portion extracted, photocopied, or clipped from such items, provided, however, that an inmate may receive a maximum of five (5) pages per day, except Sundays and postal holidays, of a portion extracted, photocopied, or clipped from such items as an attachment to personal correspondence as long as the material is not otherwise prohibited by 103 CMR 481 Inmate Mail".

Pending an official change to the promulgated version of the regulation, the Department is exercising its discretionary authority to interpret and enforce its own regulations by interpreting the property and mail regulations in such a manner as to now permit a limited amount of extracted, photocopied, or clipped material as an attachment to personal correspondence not previously permitted under the regulations.



2/23/06- Please be advised that I have reviewed grievance/grievance appeal #12737. see attached page.

Date

RD 5x

1 of 1 pgs.

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE APPEAL FORM

FORWARD TO SUPERINTENDENT

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Number W55424 Housing C-2 Appeal Date 31-AUG-2005 Date Of Grievance 20-JUN-2005

Appeal Received Date 31-AUG-2005

Appeal "On June 11, 2005 I filed a Civil Rights complaint against several staff. The Federal Courts were contacted and stated that they have not received this lawsuit/complaint. My complaints don't reach the cour houses. I don't believe this is coincidence, rather intentional and it shouldn't happen any longer; after all, it's a Federal offense."

Remedy Requested "Refund postage at \$4.07 (11 stamps). And to inform staff of the seriousness of their actions."

Staff Recipient Corbett Glenn A CAPTAIN

Signature

DECISION BY SUPERINTENDENT

Appeal Received Date 31-AUG-2005 Decision Date 26-SEP-2005 Decision DENIED

Decision By Thompson Michael SUPERINTENDENT

Reasons Appeal denied. Your grievance was investigated and there is no evidence to support the conclusion that your mail was intentionally withheld by staff. Suggest that you attempt to trace the mail through the postal service.

Signature

2/23/06 - Please be advised that I have reviewed grievance/grievance appeal #12736. I support the Superintendent's decision to deny your grievance, as I concur with the institutional summary of findings. Unfortunately your mail cannot be traced as it was not sent via certified mail.

Kristie Ladouceur (AMA)

Kristie Ladouceur-AMA
Department Grievance Coordinator

Date

INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Number W55424 Appeal Received Date 31-AUG-2005

Staff Recipient Corbett Glenn A CAPTAIN

Superintendent's Signature

DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

SS*5x
1 of 2 pgs

#16070

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
Number W55424 Housing C-2 Appeal Date Date Of Grievance 03-FEB-2006
Appeal Received Date 09-FEB-2006
Appeal My grievance (#16070) was denied without explanation.
Remedy Requested Explanation as to why prison personell can't post and announce the day and times when Native outside leaders are scheduled to enter the institution.
Staff Recipient Ruel Michael R CO II
Signature

DECISION BY SUPERINTENDENT

Appeal Received Date 09-FEB-2006 Decision Date Decision
Decision By
Reasons
Signature Date

INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
Number W55424 Appeal Received Date 09-FEB-2006
Staff Recipient Ruel Michael R CO II
Superintendent's Signature Michael A. Thompson/jg

Exhibit

TT-5x

1 of 1 Pgs



The Commonwealth of Massachusetts
Executive Office of Public Safety
Department of Correction
Program Services Division

Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Edward A. Flynn
Secretary

P. O. Box 351

Framingham, MA 01704

(508) 620-6437, Fax (508) 620-7099

Kathleen M. Dennehy
Commissioner

James R. Bender
Deputy Commissioner

February 23, 2006

Derek Cryer, W55424
MCI Shirley
PO Box 1218
Shirley, MA 01464

Dear Mr. Cryer,

Your multiple letters to Commissioner Kathleen M. Dennehy regarding Black Indian Spirituality and Native American vendors have been referred to me for reply.

Please be advised your Religious Services Request was received by my office on September 12, 2005 and heard by the Religious Services Review Committee on September 13, 2005. As you know your request for the Department to recognize Black Indian Spirituality as a separate religion from Native American was denied. Reconsideration of that decision is also denied. You are currently able to practice as a Native American both in cell and corporately. As you mention in your letter there are over 562 Native American Tribes, it is impossible for the Department to distinguish between the different sects of each religion when making accommodations for time and space for corporate worship purposes. Feel free to access corporate worship ceremonies with the other Native Americans at MCI Shirley.

In addition, your request to purchase approved Native American religious items from the previous vendor is also denied. I have seen no evidence that Keefe Group, Inc. is in violation of the Indian Arts and Crafts Act of 1990. To my knowledge they have not claimed that any of their products are or are not Indian produced.

I trust this response addresses all of your concerns.

Sincerely,

Allison Hallett
Director of Program Services

cc: Kathleen Dennehy, Commissioner
Michael Thompson, Superintendent, MCI Shirley
Gregory McCann, Director of Treatment, MCI Shirley
File

COMMONWEALTH OF MASSACHUSETTS**DEPARTMENT OF CORRECTION****INMATE GRIEVANCE APPEAL FORM****FORWARD TO SUPERINTENDENT**

#14624
PA 90-85
SVP

Exhibit
*
UU-5x

Name CRYER DEREK Institution MCI SHIRLEY (MEDI 1 of 1 pgs

Number W55424 Housing C-2 Appeal Date 21-NOV-2005 Date of Grievance 16-NOV-2005

Appeal Received Date 22-NOV-2005

Appeal According to the M.G.L.A. 30A & 6B. This administration is encouraged to assist individuals with the location of staff members for submittals and requests. (See Attached Law)

Remedy Requested I am requesting the addresses of 1. Kathleen Dennehy, 2. Carol Mici, 3. Greg Poladian, 4. Justina (Tina) Ranno and 5. William Taylor. All at one time or another and or presently employees of the DOC.

Staff Recipient Nano Keith CO II

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 22-NOV-2005 Decision Date 10-MAR-2006 Decision DENIED

Decision By Thompson Michael SUPERINTENDENT

Reasons In response to this grievance appeal a letter was previously sent to you providing you with the business addresses of current employees requested in your grievance. However, we do not provide home addresses of current or former employees. Your problem with service of process is a matter of litigation and not appropriate for the grievance process.

Signature _____

Michael A Thompson

Date

3/10/06

INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Number W55424 Appeal Received Date 22-NOV-2005

Staff Recipient Nano Keith CO II

Superintendent's Signature _____

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IG)

3-14-06 Exhibit
VV-5x
1 of 1 pgs

(3)

Name CRYER DEREK Grievance# 16750 Institution MCI SHIRLEY (MEDIUM)

Commit No. W55424 Housing C-2 Date Of Incident 20060314 Date Of Grievance 20060314

Complaint I am unable to Pray and Meditate as an Indian unlike the Muslims, the Jewish. and Christain Religions. This really isn't fair. It's been Nine (9) days and conting.

Remedy Requested I can not pray with the prayer pipe because of health risks and because its a congregational pipe, so I'm asking if I can retrieve a couple of pieces of white sage and the lighter to smudge so I can atleast attempt to meditate. Please.

Staff Recipient Walsh Sandra M CO II

Staff Involved _____

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20060314 Decision Date 20060314

Signature Walsh Sandra M CO II

Final Decision DENIED

Decision Due to the operational needs of the institution at the present time, the orderly running takes precedent over scheduled activities. However, you are able to practice informal prayer in your cell at this time.

Signature Sgt Walsh Date 3/14/06

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Commit No. W55424 Grievance# 16750 Date Received 20060314

Signature. Walsh Sandra M CO II

Approved on 3-14-06
Waiting response

DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

*
WW-5x

1 of 1 pgs

Name CRYER DEREK Institution MCI SHIRLEY (MEDIU
Number W55424 Housing C-2 Appeal Date 14-MAR-2006 Grievance Date 14-MAR-2006
Appeal Received Date 15-MAR-2006

Appeal There is no such thing as "informal prayer" otherwise known by the institutions Religious Dept. as "spiritual prayer". I don't pray in the manner of which the other mainstream religions pray in.

Remedy Requested A couple of pieces of white sage for meditation (as alternative to prayer with tobacco), and lighter be given to block officer. I have a fan and a window for the small amount of smoke.

Staff Recipient Walsh Sandra M CO II

Signature

DECISION BY SUPERINTENDENT

Appeal Received Date 15-MAR-2006 Decision Date 09-APR-2006 Decision DENIED

Decision By Thompson Michael SUPERINTENDENT

Reasons Neither your grievance nor your appeal is clear but I interpret your grievance to be that you are not being allowed access to the prayer pipe during the lockdown. The lockdown is a temporary condition to ensure the safety of staff, inmates and the public. Many normal operations, programs and services are unavoidably affected by the lockdown. Corporate worship by Native Americans will resume when we resume regular programs and religious services in the Programs Building.

Signature

Date

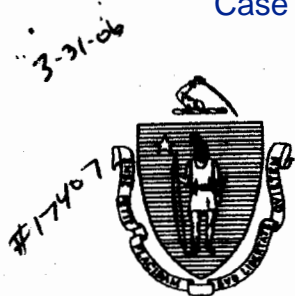
4/9/06

INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
Number W55424 Appeal Received Date 15-MAR-2006
Staff Recipient Walsh Sandra M CO II
Superintendent's Signature

*
XX-5x

1 of 1 ps



Mitt Romney

Governor

Kerry Healey

Lieutenant Governor

Robert C. Haas

Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

Department of Correction

MCI-Shirley

P. O. Box 1218

Shirley, Massachusetts 01464

(978) 425-4341, Fax (978) 514-6601

www.mass.gov/doc

Kathleen M. Dennehy

Commissioner

James R. Bender

Deputy Commissioner

Michael A. Thompson

Superintendent

March 31, 2006

Derek Cryer W-55424

MCI-Shirley / C-2

P.O. Box 1218

Shirley, MA 01464

Dear Mr. Cryer:

Be advised I have received duplicate orders regarding your attempted purchase of Native American headbands from an outside vendor (NOC Bay Trading Company).

As I have previously advised you, approved religious items must be purchased via Keefe Commissary Company.

Please be advised that future requests for purchases not in accordance with the above process will be discarded without notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg McCann", written over a horizontal line.

Greg McCann

Director of Treatment

GM/emc

cc: file

"Accredited by the Commission on Accreditation for Corrections"

Filed Governance on
4.3.06 W.R.
Derek Cryer
4.3.06



4-10-06
Mitt Romney
Governor
Kerry Healey
Lieutenant Governor
Robert C. Haas
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

Department of Correction

MCI-Shirley

P. O. Box 1218

Shirley, Massachusetts 01464

(978) 425-4341, Fax (978) 514-6601

www.mass.gov/doc

Kathleen M. Dennehy
Commissioner
James R. Bender
Deputy Commissioner
Michael A. Thompson
Superintendent

April 10, 2006

Derek Cryer, W55424
MCI Shirley
P.O. Box 1218
Shirley, MA 01464

Dear Mr. Cryer:

On November 16, 2005 I received a grievance that you submitted in which you allege that during a "practice run" of a sweat lodge ceremony on November 9, 2005 someone "chanted" a mock "Indian chant" over the public address system. Due to the nature of the allegation your grievance was referred for investigation.

The investigation of your allegation resulted in a determination that someone had, in fact, made derogatory chants over the facility public address system on November 9, 2005. However, because at the time of the incident announcements over the public address system could be made from multiple locations, the investigator was unable to identify the person or persons responsible for those chants. We have since changed the operation of the public address system so that all announcements must be made from a single location. This will minimize the likelihood of such an incident recurring and, in the event that it does recur, will facilitate identification of the person responsible.

I hope that this addresses your concern.

Sincerely,

Michael A. Thompson
Superintendent

MAT/jg

cc: Kathleen M. Dennehy, Commissioner
Joel Berner, Acting Chief, Investigative Services
file

"Accredited by the Commission on Accreditation for Corrections"

Exhibit

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

14-12-06 #17407

Name CRYER DEREK Grievance# 17407 Institution MCI SHIRLEY (MEDIUM) 1 of 1 pgs

Commit No. W55424 Housing C-2 Date Of Incident 20060411 Date Of Grievance 20060412

Complaint My order to purchase Native Headbands have been denied by Mr. McCann who told me that Native/ and Religious items must be purchased from Keefe. However, Keefe does not provide Native Headbands to Native Practitioners.

Remedy Requested To be allowed to purchase native Headbands from Noc Bay Trading Company.

Staff Recipient Walsh Sandra M CO II

Staff Involved McCann Gregory G DIR OF CLASSIFICATION

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20060412 Decision Date 20060414

Signature Walsh Sandra M CO II

Final Decision PARTIAL APPROVAL

Decision You are able to purchase this item; however, you must go through the institution's approved vendor. The vendor for this particular item is Silverhawk. Please contact Director of Treatment, Gregg McCann, to process your order. Grievance partially approved.

Signature *S. Walsh* Date 4/14/06

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Commit No. W55424 Grievance# 17407 Date Received 20060412

Signature. Walsh Sandra M CO II

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR

Name CRYER DEREK **Grievance#** 17489 **Institution** MCI SHIRLEY (MED.)

Commit No. W55424 **Housing** C-2 **Date Of Incident** 20060325 **Date Of Grievance** 20060417

Complaint On March 25, 2006 during lockdown I sent a copy of a supplemental complaint with exhibits to D.O.C lawyer Richard Mcfarland. Today I received a letter from him (attached) stating that he has never received said documents.
This is not the first time that Ive had issues with undelivered or unprocessed mail.

Remedy Requested Introduce a policy allowing for prisoners to document outgoing legal mail. Secondly, repay me my eleven (11) stamps used on postage.

Staff Recipient Walsh Sandra M CO II

Staff Involved

Signature

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20060417 **Decision Date** 20060421

Signature Walsh Sandra M CO II

Final Decision DENIED

Decision As we discussed, all outgoing mail in handled in accordance with policy 103 CMR 481.

Signature *S. Walsh* **Date** 4/21/06

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name CRYER DEREK **Institution** MCI SHIRLEY (MEDIUM)

Commit No. W55424 **Grievance#** 17489 **Date Received** 20060417

Signature. Walsh Sandra M CO II

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

BBB-5x

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR

1 of 2 pgs

4-19-06
#17629

Name CRYER DEREK Grievance# 17629 Institution MCI SHIRLEY (MEL)

Commit No. W55424 Housing C-2 Date Of Incident 20060419 Date Of Grievance 20060421

Complaint The Librarian Dan Morse refused my legally protected right (not priveledge) by denying my request to copy case law from the "Massachusetts General Laws Annotated" and the "United States Code Annotated". Both of these indexes cite primary and case laws.

Remedy Requested Start making copies from proper legal books and inform Dan Morse that the copying materials do not belong to him and to uphold his duty as the Librarian, which is also to follow the law.

Staff Recipient Walsh Sandra M CO II

Staff Involved _____

Signature _____

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20060421 Decision Date 20060424

Signature Walsh Sandra M CO II

Final Decision DENIED

Decision Per policy, photocopying services shall be for the purpose of duplicating original legal documents. (103 CMR 478) Also, the Superintendent may establish guidelines and limits due to the need of providing all inmates with the same photocopying services. Informing Librarian, Dan Morse, that the copying materials do not belong to him is irrevelant to this grievance, as that is your opinion.

Signature *S. Walsh* Date *4.24.06*

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)

Commit No. W55424 Grievance# 17629 Date Received 20060421

Signature Walsh Sandra M CO II

Policy in Violation of "Access to Courts" Law.

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE APPEAL FORM

FORWARD TO SUPERINTENDENT

C*EC-5x

1 of 2 pgs

4-25-06 #17407

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
Number W55424 Housing C-2 Appeal Date Date Of Grievance 12-APR-2006
Appeal Received Date 01-MAY-2006
Appeal "Silver Hawk" does not sell Native designed animal headbands of which I want to purchase.
Remedy Requested To be allowed to purchase Native headband from NOC Bay Trading Company.
Staff Recipient Walsh Sandra M CO III
Signature

DECISION BY SUPERINTENDENT

Appeal Received Date 01-MAY-2006 Decision Date Decision
Decision By
Reasons
Signature Date

INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
Number W55424 Appeal Received Date 01-MAY-2006
Staff Recipient Walsh Sandra M CO III
Superintendent's Signature Michael A. Thompson/jg

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE APPEAL FORM

FORWARD TO SUPERINTENDENT

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
 Number W55424 Housing C-2 Appeal Date 17-APR-2006
 Date Grievance 17-APR-2006
 Appeal Received Date 01-MAY-2006

Appeal This is not the first time that my legal mail did not reach its destination. I'm requesting that something be put in place that will allow "legal mail" be documented as outgoing. The facility already has a officer posted at the mailbox to check for proper identification; why can't that same officer have a log book for prisoner's sending out legal mail.

Remedy Requested
 1. To introduce policy allowing for prisoners to document outgoing legal mail and
 2. Repay eleven stamps used on postage. I'm requesting an answer to both remedies requested.

Staff Recipient Walsh Sandra M CO III

Signature

DECISION BY SUPERINTENDENT

Appeal Received Date 01-MAY-2006 Decision Date Decision

Decision By

Reasons

Signature Date

INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
 Number W55424 Appeal Received Date 01-MAY-2006
 Staff Recipient Walsh Sandra M CO III
 Superintendent's Signature Michael A. Thompson/jg

Exhibit

FORM

EEE-5x

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM

1 of 1 pgs

INMATE'S NAME:

Derek Croy

INMATE'S #:

W-55421

DA

4-28-06

INSTITUTION:

Shutty Medium

ASSIGNED GRIEVANCE #:

17629

INSTRUCTIONS:

1. Refer to 103 CMR 491, Inmate Grievance Policy.
2. Provide your appeal argument in Block A, in a brief and understandable manner.
3. Provide your requested remedy in Block B.

A. Provide your appeal argument in a brief and understandable manner.

I'm being denied legal Reference Copies by the Librarian and my Grievance was denied by citing Prison Policy. However the Grievance choose to cite only a portion of the entire paragraph used for denial.

According to 103 CMR 478.11(4)(a) I am entitled to have Photo Copied "Legal Reference materials". The Policy states word for word:

"Photocopying Services shall be for the purpose of duplicating original legal documents. The Superintendent shall designate the staff members responsible for photocopying legal documents and legal reference materials".

B. Provide your requested remedy

Inform the Librarian Dan Morse to discontinue his present practice of denying Copies from legal Books and to immediately begin to approve requests for Copies from legal books.

Inmate's Signature

Derek Croy

Date:

4-28-06

Staff Recipient

Date:

(Inmate receipts/responses will be generated via the Inmate Management System.)

CC: File/4-28-06

**DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT**

Exhibit
** FFF-5x*
1 of 2 pgs

Name CRYER DEREK **Institution** MCI SHIRLEY (MEDIUM)

Number W55424 **Housing** C-2 **Appeal Date** **Date** **Grievance**

Appeal Received Date 01-MAY-2006

Appeal This is not the first time that my legal mail did not reach its destination. I'm requesting that something be put in place that will allow "legal mail" be documented as outgoing. The facility already has a officer posted at the mailbox to check for proper identification; why can't that same officer have a log book for prisoner's sending out legal mail.

Remedy Requested 1. To introduce policy allowing for prisoners to document outgoing legal mail and
2. Repay eleven stamps used on postage. I'm requesting an answer to both remedies requested.

Staff Recipient Walsh Sandra M CO III

Signature _____

DECISION BY SUPERINTENDENT

Appeal Received Date 01-MAY-2006 **Decision Date** 19-MAY-2006 **Decision** DENIED

Decision By Thompson Michael SUPERINTENDENT

Reasons As you note in your grievance and appeal, we do not maintain records of outgoing mail. Therefore, we cannot verify that you mailed the item in question. Therefore, the reimbursement remedy is denied. The requested remedy to implement a practice of logging outgoing legal mail is also denied due to the cost of such a practice compared to the potential benefit.

Signature *Michael A. Thompson* **Date** 5/19/06

INMATE RECEIPT

Inmate's Name CRYER DEREK **Institution** MCI SHIRLEY (MEDIUM)

Number W55424 **Appeal Received Date** 01-MAY-2006

Staff Recipient Walsh Sandra M CO III

Superintendent's Signature _____

5-19-06

COMMONWEALTH OF MASSACHUSETTS

Exhibit

DEPARTMENT OF CORRECTION INMATE GRIEVANCE APPEAL FORM FORWARD TO SUPERINTENDENT

GG-5x

1 of 1 pgs

Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
Number W55424 Housing C-2 Appeal Date 01-MAY-2006
Appeal Received Date 01-MAY-2006
Appeal "Silver Hawk" does not sell Native designed animal headbands of which I want to purchase.
Remedy Requested To be allowed to purchase Native headband from NOC Bay Trading Company.
Staff Recipient Walsh Sandra M CO III
Signature

DECISION BY SUPERINTENDENT

Appeal Received Date 01-MAY-2006 Decision Date 19-MAY-2006 Decision DENIED
Decision By Thompson Michael SUPERINTENDENT
Reasons You have been advised as to how to purchase the headband. Religious items may be purchased from department-approved vendors only.
Signature Michael A Thompson Date 5/19/06

INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
Number W55424 Appeal Received Date 01-MAY-2006
Staff Recipient Walsh Sandra M CO III
Superintendent's Signature

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT

Exhibit

H/H - 5x

1 of 1 pgs

Name CRYER DEREK Institution MCI SHIRLEY (MEE)
 Number W55424 Housing C-2 Appeal Date 01-MAY-2006
 Appeal Received Date 01-MAY-2006
 Appeal I'm being denied legal reference copies by the librarian and my grievance was denied by citing prison policy. However the grievance choose to cite only a portion of the entire paragraph used for denial.
 According to 103 CMR 478.11 (4)(a) I am entitled to have photo copied "Legal Reference materials". The policy states word for word: "Photocopying services shall be for the purpose of duplicating original legal documents. The Superintendent shall designate the staff members responsible for photocopying legal documents and legal reference materials".
 Remedy Requested Inform the Librarian Dan Morse to discontinue his present practice of denying copies from legal books and to immediately begin to approve requests for copies from legal books.
 Staff Recipient Walsh Sandra M CO III
 Signature

DECISION BY SUPERINTENDENT

Appeal Received Date 01-MAY-2006 Decision Date 26-MAY-2006 Decision DENIED

Decision By Thompson Michael SUPERINTENDENT

Reasons "Legal reference materials" as used in the quoted portion of the policy contained in your appeal refers to reference materials that may, and are, copied for the purpose of circulation when a particular case is referenced so frequently as to warrant additional copies being made available for circulation. We are not required to make such copies upon demand for any single inmate.

Signature

Date

INMATE RECEIPT

Inmate's Name CRYER DEREK Institution MCI SHIRLEY (MEDIUM)
 Number W55424 Appeal Received Date 01-MAY-2006
 Staff Recipient Walsh Sandra M CO III
 Superintendent's Signature

Mass Rules of Appellate Procedure 16 (F)

[Reproduction of / citation of Mass. Rules of Appellate Procedure]

Derek Cmyer
6-7-062nd Request*
III-5x

REQUEST TO STAFF

1 of 1 pgs

DATE: May 25, 2006

TO: Greg McCann, Director of Treatment
(name and title of staff member)

SUBJECT: State completely but briefly the problem on which you desire assistance, give details.

I haven't had contact with my Spiritual
Native Clergy Person Paul Pouliot for several
weeks and seek Spiritual Council of the
Religious Clergy of my "Faith".

(use other side of page if more space is needed)

ACTION REQUESTED: State exactly how you believe your request may be handled, that is, exactly what you think should be done and how.

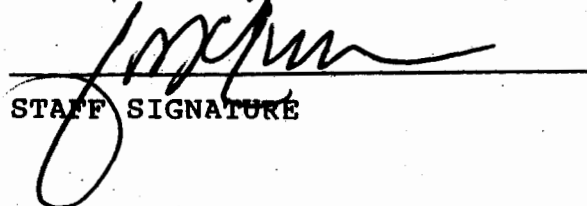
I'm Requesting to make a Monitored Phone
Call to Paul Pouliot or Denise McHigan at the
Following Headquarter Phone Number (508) 477-1772
for "Religious" Spiritual Council at Your's or Deacon Arties Office.

NAME: Derek Cmyer No: W-55424WORK ASSIGNMENT: N-A HOUSING UNIT: C-2

NOTE: If you follow instructions in preparing your request, it can be disposed of quickly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action taken.

DISPOSITION: (Do not write in this space.)

This is the last time I'll answer this. Let me
be blunt. They do not want to speak to you.

6/12/06
DATE
STAFF SIGNATURE

CC: File/5-25-06

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF CORRECTION

INMATE GRIEVANCE FORM

FORWARD TO INSTITUTIONAL GRIEVANCE COORDINATOR (IGC)

Name CRYER DEREK **Grievance#** 18775 **Institution** MCI SHIRLEY (MEDIUM)

Commit No. W55424 **Housing** C-2 **Date Of Incident** 20060612 **Date Of Grievance** 20060612

Complaint On April 25, 2006 Native Volunteers Medicine Story and Ellika came in to visit the Native Practitioners and once again (this has happened several times) there was no notice posted nor was there an announcement made and I didnt make attendance.

Remedy Requested To post in the housing unit or the Native area 24 hours in advance a meme, and or announce the visit from the volunteers over the P.A. system at 11:15 - 11:30am.

Staff Recipient Walsh Sandra M CO III

Staff Involved

Signature

RECEIPT BY INSTITUTIONAL GRIEVANCE COORDINATOR

Date Received 20060612 **Decision Date** 20060612

Signature Walsh Sandra M CO III

Final Decision DENIED

Decision Every effort is made to ensure postings of upcoming visitors. However, not all volunteers give a courtesy call before arriving at the institution, and due to their volunteer status, they are allowed to enter the institution. In this particular case, on April 25, 2006, there was no prior knowledge of these volunteers arrival, until the actual arrival. If The Director of Treatment was made aware prior to their arrival, a posting would have been generated. As for an announcement on the P.A. system at 11:15-11:30am, no knowledge was known at that time, as the volunteers arrived at 6:48pm. Grievance denied.

Signature *L. Walsh* **Date** 6/16/06

Denied grievances may be appealed to the Superintendent within 10 working days of Institution Grievance Coordinator's decision.

INMATE RECEIPT

Name CRYER DEREK **Institution** MCI SHIRLEY (MEDIUM)

Commit No. W55424 **Grievance#** 18775 **Date Received** 20060612

Signature. Walsh Sandra M CO III

*Recd. 6-17-06
Deny... Cgr
6-17-06*

FORM "B"

KKK-5x

1 of 1 pgs.

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM**

INMATE'S NAME: Derek Croyer	INMATE'S #: W-55424	DATE: 6-17-06
INSTITUTION: Shirley Medium		ASSIGNED GRIEVANCE #: #18775
INSTRUCTIONS: 1. Refer to 103 CMR 491, Inmate Grievance Policy. 2. Provide your appeal argument in Block A , in a brief and understandable manner. 3. Provide your requested remedy in Block B .		
A. Provide your appeal argument in a brief and understandable manner. <p>The Institution in the past and present does not Post or Announce The Times That Native Indian Outside Volunteers Are scheduled to Come in.</p>		
B. Provide your requested remedy <p>I'm requesting that All Native Indian Volunteers be Called And Request of them that they make a call to the institution in Advance For the purpose of Posting And or Announcing Their Visit to the Prison Population. An Hour (1) in Advance is even Sufficient.</p>		

Inmate's Signature Derek Croyer Date: 6-17-06

Staff Recipient _____ Date: _____

(Inmate receipts/responses will be generated via the Inmate Management System.)

CC: File/6-17-06